THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION Nos. 9103 of 2005 and 44 of 2006

Date: 11-08-2006.

Between :

Nizam Family Welfare Association, rep. by its President Mr.Najaf Ali Khan & another.

.....Petitioners

And

The Chief Commissioner of Income Tax, Andhra Pradesh & others.

.....Respondents.

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AND
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WRIT PETITION Nos. 9103 of 2005 and 44 of 2006

COMMON ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

The main controversy in these petitions is with regard to lifting a lien over certain amounts. During the course of hearing, many counter affidavits and affidavits were filed and ultimately an affidavit was filed on 23.06.2006 by the respondents, contending that the petitioners were entitled to a refund of rupees sixty six lakhs and odd. Rest of the amounts are liable to be adjusted. Today, we are informed by the learned senior counsel appearing for the Department that notices have been issued with regard to the adjustment and some of the assessees have filed their replies to the notices. Some notices of deposit of amounts to the Trust have also been issued.

Since the notices have been issued for adjustment of the amounts, it would not be proper for this Court, at this stage, to decide the issues raised in these petitions. Therefore, we are disposing of these petitions with a direction to respondents to dispose of the matters within six weeks, where the replies have been received, and in notices in which the replies are not received so far, they may be disposed of within four weeks of the receipt of replies. If replies

have not been filed by any of the parties to the notices issued by the Department, they may do so within two weeks from today. While disposing of these petitions, we are making it clear that we have not gone into the merits of the contentions of the parties and if the petitioners feel aggrieved of the orders being passed in pursuance of the notices issued, they shall be at liberty to take remedies available to them in law. No further time shall be granted to the Department to decide the matters.

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(BILAL NAZKI, J)

11th August 2006

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(S.ANANDA REDDY, J)

N.B :-

Furnish copy in two days.

(B/o)

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